

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

---

MARIKO SHARDELL JENKINS,

Plaintiff,

VS.

NO. \_\_\_\_\_

KROGER LIMITED PARTNERSHIP I,  
THE KROGER CO., and JFE FRANCHISING, INC.  
d/b/a SNOWFOX

Defendants.

---

**DEFENDANT JFE FRANCHISING, INC. D/B/A SNOWFOX'S NOTICE OF REMOVAL**

---

COMES NOW Defendant JFE Franchising, Inc. d/b/a Snowfox ("JFE") and pursuant to 28 U.S.C. § 1446 hereby files the instant "Notice of Removal" of this action from the Circuit Court of Shelby County, Tennessee, Case No. CT-3024-22; Div. III, to the United States District Court for the Western District of Tennessee, Western Division, and states:

1. The instant action was commenced in the Circuit Court for Shelby County, Tennessee on July 26, 2022 by the filing of a Complaint entitled *Mariko Shardell Jenkins v. Kroger Limited Partnership I, The Kroger Co. and JFE Franchising, Inc. d/b/a Snowfox*, No. CT-3024-22; Div. III. A copy of the Complaint is attached hereto as Exhibit A.

2. Defendant JFE was served through its Registered Agent for Service of Process, Legalinc Corporate Services, Inc., on July 27, 2022. A copy of the Summons and proof of service are attached hereto as Exhibit B.

3. This Court has diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1441 based on the following facts:

a. Plaintiff Mariko Shardell Jenkins is a resident citizen of Fayette County, Tennessee. Ex. A at ¶ 1.

b. Defendant Kroger Co. is an Ohio Corporation with its principal place of business located at 1014 Vine Street, Cincinnati, Ohio 45202. Ex. A at ¶ 2.

c. Defendant Kroger Limited Partnership I is an Ohio Limited Partnership with its principal place of business located at 1014 Vine Street, Cincinnati, Ohio 45202. Ex. A at ¶ 3.

d. Defendant JFE is a Texas Corporation with its principal place of business located at 2021 Bingle Road, Houston, Texas 77055. Ex. A at ¶ 6.

e. Based upon the allegations pleaded in the state court Complaint, the amount Plaintiff places in controversy in this action exceeds the sum of \$75,000.00, exclusive of interest and costs. Specifically, Plaintiff has initiated the instant cause of action with a prayer for compensatory damages in an amount of no more than \$5,000,000.00 and punitive damages in an

amount of no more than \$5,000,000.00. Ex. A at Prayer, ¶ 2 and 3. Therefore, original jurisdiction exists in the federal courts under 28 U.S.C. § 1332.

f. This Notice of Removal is timely filed within thirty (30) days of the date JFE was served with the first pleading in this action.

g. This action is, therefore, properly removable pursuant to 28 U.S.C. §1441(a).

6. JFE's "Notice of Filing of Notice of Removal," notifying the state court of the filing of this "Notice of Removal," will be promptly filed with the Clerk of the Circuit Court for Shelby County, Tennessee. A copy of the Notice of Filing Notice of Removal is attached hereto as Exhibit C.

7. By removing this action from Shelby County Circuit Court, JFE does not waive any defense available to it. Similarly, JFE does not admit any of the allegations in Plaintiff's Complaint.

8. The other named Defendants Kroger Limited Partnership I and The Kroger Co. consent to removal. These Defendants were served on August 2, 2022. Copies of these summonses are attached hereto as collective Exhibit D.

WHEREFORE, Defendant JFE respectfully requests that this case proceed before this Court as an action properly removed.

Respectfully Submitted,

ALLEN, SUMMERS, SIMPSON,  
LILLIE & GRESHAM, PLLC

/s/ Kirk A. Caraway  
KIRK A. CARAWAY (#18578)  
*Attorneys for Defendant, JFE Franchising, Inc.*  
80 Monroe Avenue, Suite 650  
Memphis, Tennessee 38103  
(901) 763-4200

### **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a copy of the foregoing was forwarded, via U.S. Mail, postage prepaid to

John P. Wade  
81 Monroe, Sixth Floor  
Memphis, Tennessee 38103  
*Attorney for Plaintiff*

The Kroger Co.  
c/o Corporation Service Company  
2908 Poston Avenue  
Nashville, Tennessee 37203

Kroger Limited Partnership I  
c/o Corporation Service Company  
2908 Poston Avenue  
Nashville, Tennessee 37203

on this 25th day of August, 2022.

Kirk A. Caraway  
Certifying Attorney